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TAGS: [PGOV](#) [PREL](#) [PHUM](#) [KDEM](#) [AJ](#)
SUBJECT: UPDATE ON DETAINED MP HUSSEIN ABDULLAYEV

REF: A. BAKU 337

[1](#)B. BAKU 327

Classified By: AMBASSADOR ANNE E. DERSE PER 1.4(B,D)

[1](#)1. (C) Separate conversations with the OSCE Baku Legal Advisor, Presidential Chief of Staff Ramiz Mehdiyev, and human rights activist Elchin Behbudov revealed additional details concerning the March 19 arrest and detention of independent Member of Parliament (MP) Hussein Abdullayev. (Abdullayev was arrested three days after a scuffle broke out in the March 16 Parliamentary session when Abdullayev harshly criticized the Prime Minister's report on the government's annual performance. The incident, which was captured on video, appears to have been started by pro-government MP Fazail Aghamaly, reftels.)

[1](#)2. (C) According to the OSCE Baku Legal Advisor, who met with Abdullayev's lawyer, Abdullayev had been arrested three hours before Parliament decided in a 79-15 vote to strip his parliamentary immunity. The lawyer said that Abdullayev appeared before the judge at 2100 hours that night, with no attorney present. It remains unclear whether Abdullayev was given a chance to speak. He was charged with battery and "hooliganism" (see ref a), and the judge ruled that he would be kept in pre-trial detention for two months - contrary to our prior understanding that he had been sentenced - while the GOAJ's investigation continues. Press reports speculate that the GOAJ will present other charges before the end of the two-month detention.

[1](#)3. (C) In an April 12 meeting with Presidential Chief of Staff Ramiz Mehdiyev, the Ambassador expressed concern about the apparent due process violations in Abdullayev's detention and arrest. Mehdiyev responded that Abdullayev, who had violated the "Azerbaijani mentality" by using obscenities on the floor of parliament, had neither been detained nor arrested before he was stripped of his parliamentary immunity. Mehdiyev said that Abdullayev had been "invited" by the Prosecutor General's Office (PGO) to give an account of what happened on the floor of Parliament on March 16. Aghamaly, whom Mehdiyev said had been "damaged" in this incident, had filed a complaint with the Prosecutor General. Mehdiyev said that Abdullayev's "interview" at the PGO had occurred at the same time as that Parliament was meeting to vote on whether to strip him of his immunity.

[1](#)4. (C) Elchin Behbudov, the head of the Azerbaijan Committee Against Torture, told us that he visited Abdullayev early in his detention. According to Behbudov, there were visible signs that Abdullayev had been beaten, although not severely. The OSCE Baku Legal Advisor has submitted a request to the Ministry of Justice to visit Abdullayev in detention, to which he has not yet received a response. We will continue to monitor the case and report developments.
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